



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

---

File #: 23-0589, Version: 1

---

### REPORT TO THE ZONING ADMINISTRATOR

#### **SUBJECT**

##### **Proposed Project:**

**USE PERMIT** to allow a kindergarten-6th grade afterschool program at an existing church.

**Location:** 653 W Fremont Avenue (APN: 202-06-003)

**File #:** 2022-7616

**Zoning:** P-F (Public Facility)

**Applicant / Owner:** SanYu Learning Center (applicant) / Pastor Robert Colon (owner)

**Environmental Review:** Class 1 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.

**Project Planner:** Aastha Vashist, 408-730-7458, avashist@sunnyvale.ca.gov

#### **BACKGROUND**

The application is for a proposed afterschool program for kindergarten to 6th grade level children at an existing church site. Sunnyvale Municipal Code (SMC) allows consideration of education-recreation and enrichment uses in Public Facility zoning district through a Use Permit application.

SMC Section 19.12.060 defines "Education-Recreation and enrichment" as a facility which is used primarily for teaching learned skills to children or adults for purposes of recreation, amusement, or enrichment.

See Attachment 1 for a map of the vicinity and mailing area for notices and Attachment 5 for project description.

#### **Previous Actions on the Site**

A Miscellaneous Planning Permit (MPP) application (#2010-7236) for a childcare center for up to 30 children (between two- and 6-year age) was approved by staff in 2010. A Use Permit (#2014-7860) for kindergarten to 5th grade after school program for up to 30 children was approved in 2015. The preschool use is still in operation, while the after-school program has been discontinued.

#### **ENVIRONMENTAL REVIEW**

The project being considered is categorically exempt from review under the California Environmental Quality Act (CEQA) Class 1 pursuant to CEQA Guideline Section 15301 as it involves a negligible expansion of use at an existing facility.

#### **DISCUSSION**

##### **Proposed Use**

The project site is an interior lot located towards the north of Fremont Avenue between Hollenbeck

Avenue and Sunnyvale-Saratoga Road. No exterior changes are proposed as part of the application. See Attachment 4 for the site layout and floor plans. The site is currently occupied by a church and pre-school use.

The proposed use is for an afterschool program for kindergarten to 6th grade level for up to 35 students and five staff and teachers operating in the existing church site. The applicant has submitted a project description noted in Attachment 5.

The existing pre-school operates between 8 a.m. to 6 p.m. and the proposed afterschool program will operate between the hours of 12:00 pm and 6:30 pm, Monday through Friday. A typical schedule can be viewed in Attachment 5. The program is designed to offer students cultural and language instructions and help with their school homework assignments. Other activities provided include indoor games.

After-school program students will also utilize the existing playground. The playground use time will not conflict with the existing pre-school schedule. There will be around two to three employees working at the after-school program. The program will operate within two existing classroom spaces that were previously occupied by a similar after-school program operated by Appletree Montessori (Use Permit # 2014-7860). The overall space is approximately 1,300 square feet. The applicant is not proposing any major or structural changes to the tenant space.

Staff finds that the application meets the required Use Permit findings, as the use meets the General Plan policies that encourage a mix of uses that serve neighboring residential properties, complies with all development standards, and does not result in negative impacts to neighbors. See Attachment 2 for required Use Permit findings.

### **Parking**

The existing church site will have a total of three uses (Appletree Montessori School, church, and SanYU Learning Center), including the applicant. The proposed afterschool program and the Appletree Montessori School (childcare) operate during weekdays.

The church has six staff members on site during weekdays and provides services only on Saturday and Sunday; therefore, the proposed program would not conflict with these tenants.

Based on the SMC 19.46.100(C), the proposed use requires 9 parking spaces, while the existing preschool requires 8 spaces. A total of 17 parking spaces are required, where 140 spaces are available on site which is sufficient for staff, teachers, and parents to park during drop off and pick up for both uses. Therefore, the site has more than enough parking spaces to meet the City's requirements. Additionally, the staff has recommended a condition of approval requiring installation of one bike rack (Attachment 3, BP-6).

|                      | Requirement | Parking Rate     | Required Parking |
|----------------------|-------------|------------------|------------------|
| After School Program | 35 students | 1 per 4 students | 9                |
| Existing Pre-School  | 30 students | 1 per 4 children | 8                |
| Required Parking     |             |                  | <b>17</b>        |
| Proposed Parking     |             |                  | <b>140</b>       |

### **NEIGHBORHOOD IMPACTS/COMPATIBILITY**

Childcare use has been operating at the site since 2010 and a similar after school program was previously operating on the site. The lot is surrounded by single-family homes along the north, an existing childcare facility on the east and residential uses on the west side. The use is compatible with the surrounding residential neighborhood and provides desirable services to the community. Staff recommends requiring the outdoor playtime hours (Attachment 3, Condition AT-1(b)) to be staggered for the classrooms and existing pre-school to reduce any potential noise impact. As conditioned, staff finds that the proposed use will not have adverse impact on the surrounding neighborhood.

### **PUBLIC CONTACT**

127 notices were sent to surrounding property owners and residents adjacent to the subject site. Staff has received no comments on the item. In addition, the notice of the Public Hearing was published in the *Sun* newspaper.

Public contact was made by posting the agenda on the City's official-notice bulletin board and on the City's website. As of the date of staff report production, staff has not received any public comments.

### **ALTERNATIVES**

1. Approve the Use Permit with recommended Conditions in Attachment 3.
2. Approve the Use Permit with modifications.
3. Deny the Use Permit.

### **RECOMMENDATION**

Alternative 1. Approve the Use Permit with recommended Conditions in Attachment 3.

Prepared by: Aastha Vashist, Senior Planner

Approved by: Momoko Ishijima, Senior Planner

### **ATTACHMENTS**

1. Vicinity and Noticing Maps
2. Recommended Findings
3. Recommended Conditions of Approval
4. Site and Architectural Plans
5. Letter from the Applicant